

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ASATA D. LOWE,

Petitioner,

v.

No.: 3:12-cv-402  
Judge Phillips

TONY HOWERTON, Warden,  
and STATE OF TENNESSEE,

Respondents.

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum, the petition for the writ of habeas corpus is **DENIED** as a second or successive petition and this action is **DISMISSED WITH PREJUDICE**. All pending motions are **DENIED** as **MOOT**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. The Court thus **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge

ENTERED AS A JUDGMENT  
s/ Debra C. Poplin  
CLERK OF COURT